

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Takehiko MAYAMA

Application No.: 09/990,350

Filed: November 23, 2001

For: ACTIVE VIBRATION SUPPRESSION
APPARATUS, CONTROL METHOD
THEREFOR, AND EXPOSURE APPA-
RATUS HAVING ACTIVE VIBRATION
SUPPRESSION APPARATUS

Examiner: M. Graham

Group Art Unit: 3683

October 15, 2003

RECEIVED

OCT 21 2003

GROUP 3600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS WITH PETITION FOR EXTENSION OF TIME

Sir:

Applicant petitions the Commissioner for Patents to extend the time for response to the Office Action dated August 15, 2003, for one month from September 15, 2003, up to and including October 15, 2003. A check in the amount of \$110.00 for payment of the extension fee is enclosed. Please charge any additional fee required for the extension, or credit any overpayment, to Deposit Account 06-1205.

Applicant respectfully traverses the restriction and election of species requirements set forth in the Office Action dated August 15, 2003.

10/20/2003-JBAL-INAN-00000008-10990350

01-FC-1251 110.00-UP--

10/20/2003 JBALINAN 00000161 09990350

01 FC:1251 110.00 OP

In the Office Action, the Examiner asserts that the subject application contains three separate inventions. Specifically, Group I, claims 1-31, is drawn to an apparatus and method for controlling vibrations, and is classified in class 267, subclass 140.14. Group II, claims 32-39, is drawn to a method for manufacturing semiconductors, and is classified in class 438, subclass 381. Finally, Group III, claims 40-45, is drawn to a maintenance method, and is classified in class 204, subclass 192+.

Applicant notes that the inventions of Groups I, II, and III are so closely related in the field of exposure and vibration suppression that a proper search of any of the claims would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicant further submits that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicant's overall invention, is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicant's invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This places an unnecessary burden on both the Patent and Trademark Office and on Applicant.

In the interest of economy, for the Office, for the public-at-large, and for Applicant, reconsideration and withdrawal of the restriction requirement are requested.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicant provisionally elects, with traverse, to prosecute the invention of Group I, namely claims 1-31. Applicant notes that claims 1-31 read on Figures 1-16.

The Examiner also asserts that the application contains claims directed to nine patentably distinct species. As asserted by the Examiner, species I reads on Figure 1, species II reads on Figure 8, species III reads on Figure 10, species IV reads on Figure 11, species V reads on Figure 13, species VI reads on Figure 14, species VII reads on Figure 15, species VIII reads on Figure 17, and species IX reads on Figure 18. (Applicant notes that the Examiner omitted numeral VI when characterizing the species.)

Applicant submits that Group I, provisionally elected above, is drawn to Figures 1-16, and accordingly, Group I includes Species I-VII. A careful review of the subject application reveals that the various embodiments are so closely related as to not require separate fields of search. Accordingly, neither Applicant nor the U.S. Patent and Trademark Office should be put through the trouble and expense entailed in multiple filing and prosecution. In addition, Applicant submits that the public-at-large should not be required to obtain and study several patents in order to have available all of the issued patent claims covering the invention.

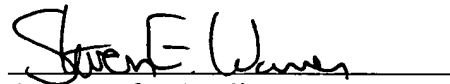
Still further, the making of an election of species is not mandatory in all instances where it is possible to do so. Rather, the Examiner may use his discretion and choose not to make an election of species where circumstances warrant. It is believed that such is the case in the subject application. Therefore, Applicant requests, under 37 CFR 1.143, that the Examiner reconsider and withdraw the election requirement set forth in the above-noted Office Action.

Nevertheless, in order to comply with the requirements of 37 CFR 1.146, and MPEP § 809.02(a), Applicant also provisionally elects, with traverse, to prosecute the invention of Group I and the first species, namely Figure 1. Applicant submits that claims 1-12 of Group I read on Figure 1 of the first species. Also, because Group I reads on Figures 1-16, Applicant submits that Group I and Species I-VII should properly be examined.

Applicant further submits that the instant application is in condition for allowance. Favorable consideration and early passage to issue are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. Office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicant

Steven E. Warner

Registration No. 33,326

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
SEW/MJD:ksp

DC_MAIN 146797v1